

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside California, 92507-0714

In Reply Refer To:
8560(P)
CA062.3

JANUARY 9, 1998

Instruction Memorandum No. CDD 98- 4

Expires: September 30, 1998

To: Field Managers

From: District Manager, California Desert

Subject: Procedures for Reviewing State of California Water Right Filings DD: 01/30/98

The BLM has responsibilities under the federal reserved water rights established at Section 706 of the California Desert Protection Act of 1994. These responsibilities are described in the attached "Principles for Wilderness Management in the California Desert" - "Principles Governing Federal Water Rights under the California Desert Protection Act" (Annex 3). Also attached is the computer printout for all State of California water right filings for the period of January 1, 1994 through April 1997, for Imperial, Inyo, Kern, Riverside, San Bernardino, San Diego, and Tulare counties.

By January 30, 1997, please respond as to whether any of the seven post October 31, 1994, water right filings are subject to Principle II. 4. of Annex 3. That is, determine if any are within BLM administered wilderness areas or outside of wilderness that may affect federal reserved water rights. The criterion to use for water right filings outside of wilderness is whether they are within drainages upstream from BLM wilderness areas.

Larry Morgan will be distributing printouts of future State of California water right filings to the field offices. These should be reviewed using the procedures described above.

John A. Burt, Acting

Attachments - as specified
(sent under separate cover)

Distribution:

WO-240 (w/o attachments)
BC-220 (w/o attachments)
CA-930
CA-951.3
CA-010
NPS-Desert Units

PRINCIPLES GOVERNING FEDERAL WATER RIGHTS UNDER THE CALIFORNIA DESERT PROTECTION ACT

I. INTRODUCTION

The California Desert Protection Act 1994 (CDPA) is, along with the Arizona Wilderness Act of 1991, unique among wilderness legislation. Congress in Section 706 of the CDPA explicitly reserved a quantity of water sufficient to fulfill the purposes of the Act. The water rights reserved are specific to the wilderness areas located in California designated by the Act. The CDPA bypasses the debate over whether reserving Federal lands as "wilderness" establishes an implicit Federal reserved water right for that purpose.

Federal reserved water rights are a unique class of water right. Such rights are not established by the operation of State law and are exempt from State requirements for permits, diversion, actual use for beneficial purposes, forfeiture and abandonment. Such rights allow for the assertion of a Federal reserved water right to unappropriated water available on the date of the reservation (i.e., 10/31/94), but "only that amount of water necessary to fulfill the purpose of the reservation and no more." Federal reserved water rights only reserves pertinent water which is unappropriated on the date of the reservation (Cappaert vs. US., 1976). Thus, the establishment of the CDPA Federal reserved water right does not and cannot infringe upon or undo any reserved or appropriated water rights existing on the date of the reservation, including those of the United States.

Section 706(b) mandates that the Secretary and all other officers of the United States take "all steps necessary to protect the rights reserved by this section". Hence, it is the responsibility of both the NPS and BLM to protect the explicit reserved water rights established under the CDPA.

In addition to the explicit reserved water rights of Section 706, the courts have long held that National Park System units, wilderness or non-wilderness, are Federal reservations to which attach an implicit Federal reserved water right. (Arizona vs. CA, 1963)

BLM and NPS will apply the following principles to discharge their responsibilities under Section 706 of the CDPA to manage and protect Federal reserved water rights. Each agency shall also incorporate their respective policies, guidelines, and administrative procedures in the performance of these duties.

II. PRINCIPLES

1. BLM in its wilderness planning process for each wilderness area, and NPS in its general planning process for each unit of the National Park System, will inventory all water sources within the boundaries of the wilderness area/system unit. This inventory should also include (1) identification of previously appropriated water rights of the United States under State law, (2) identification of riparian and groundwater rights of the United States, (3) identification of existing Federal reserved rights under authorities other than CDPA, e.g., public water reserves, and (4) quantification of the amount of water from the water source necessary to fulfill the purpose of the reservation.

2. BLM and NPS will identify as a Federal reserved water right all of the unappropriated water from any water source identified on federal lands within the boundaries of designated wilderness and/or Park areas in the California Desert. Such quantities are the minimum necessary to fulfill the purposes of the reservations which is to preserve, protect, and maintain the natural conditions of the wilderness and/or Park areas.

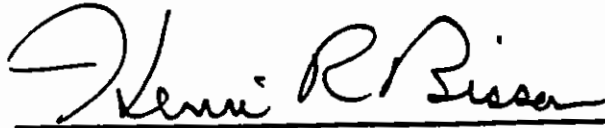
3. NPS and BLM will, as appropriate, share water source inventory data.

4. NPS and BLM will jointly request the California Division of Water Rights to inform the BLM and/or NPS of any filing for appropriated water rights that is located (1) within the boundaries of a BLM-administered wilderness area or National Park System unit in the California Desert, and (2) outside but adjacent to these boundaries if the appropriation may affect Federal reserved water rights necessary to fulfill the purpose of the reservation and/or appropriated water rights of the United States.

5. NPS and BLM will vigorously defend Federal reserved water rights of the wilderness areas and system units through the State of California administrative process and, if necessary, seek judicial remedy in the appropriate courts.

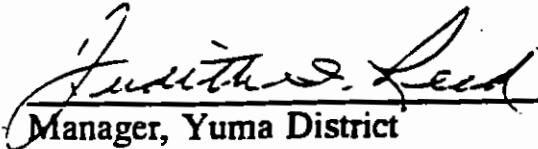
6. NPS and BLM will quantify the amount of water reserved to fulfill the purpose of the reservation as part of any adjudication in California in which the United States may be joined under the McCarran Amendment.
7. Where necessary, NPS and BLM should pursue acquisition of any existing non-Federal appropriated water right within their respective jurisdictions to enhance wilderness and park values.
8. Because use of percolating groundwater does not require a permit from the State of California, NPS and BLM will participate in local government proceedings that authorize non-Federal parties to withdraw percolating groundwater where such withdrawals may impact water sources within their respective jurisdictions to which Federal reserved water rights are attached.
9. NPS and BLM will participate in any proceedings pursuant to Nevada state water law that may authorize withdrawal of groundwater where such withdrawal may impact water sources within their respective jurisdictions to which Federal reserved or appropriated water rights are attached.

SIGNATURES



Manager, California Desert District

9/15/95
DATE



Manager, Yuma District

9/15/95
DATE



Superintendent, Mojave National Preserve

9/15/95
DATE



Superintendent, Death Valley National Park

9/15/95
DATE



Superintendent, Joshua Tree National Park

9/15/95
DATE



State Supervisor, U.S. Fish & Wildlife Service

9/15/95
DATE



STATE WATER RESOURCES CONTROL BOARD

J. R. BONDERSOHN BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-1872
FAX: 657-1485

Mailing Address

DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

DATE: September 19 1997

TO: Larry Morgan
c/o U S Bureau of Land Management
6221 Box Spring Blvd
Riverside CA. 92507

WATER RIGHT INFORMATION MANAGEMENT SYSTEM (WRIMS)

Water Rights filed after January 1 1994 in Imperial, Inyo, Kern, Riverside, San Bernardino, San Diego and Tulare Counties.

We received your fax request letter dated September 16, 1997 requesting the above information.

A report has been prepared in accordance with your request, subject to the constraints of the WRIMS database. The report and a key to the abbreviations used in the report are enclosed.

An invoice for \$ 52.00 for completing the information request will be mailed at later date. Please remit the amount indicated to the State Water Resources Control Board within 15 days upon receiving the invoice.

If you have any questions about the report, please contact me at (916) 657-1872.

Sincerely,

A handwritten signature in cursive script, appearing to read "Koso Nodohara".

Koso Nodohara
Sanitary Engineering Associate
WRIMS Unit

Enclosures

WATER RIGHTS INFORMATION MANAGEMENT SYSTEM (WRIMS)

SOME CODES AND ABBREVIATIONS USED IN WRIMS

COUNTIES

01 - Alameda	30 - Orange
02 - Alpine	31 - Placer
03 - Amador	32 - Plumas
04 - Butte	33 - Riverside
05 - Calaveras	34 - Sacramento
06 - Colusa	35 - San Benito
07 - Contra Costa	36 - San Bernardino
08 - Del Norte	37 - San Diego
09 - El Dorado	38 - San Francisco
10 - Fresno	39 - San Joaquin
11 - Glenn	40 - San Luis Obispo
12 - Humboldt	41 - San Mateo
13 - Imperial	42 - Santa Barbara
14 - Inyo	43 - Santa Clara
15 - Kern	44 - Santa Cruz
16 - Kings	45 - Shasta
17 - Lake	46 - Sierra
18 - Lassen	47 - Siskiyou
19 - Los Angeles	48 - Solano
20 - Madera	49 - Sonoma
21 - Marin	50 - Stanislaus
22 - Mariposa	51 - Sutter
23 - Mendocino	52 - Tehama
24 - Merced	53 - Trinity
25 - Modoc	54 - Tulare
26 - Mono	55 - Tuolumne
27 - Monterey	56 - Ventura
28 - Napa	57 - Yolo
29 - Nevada	58 - Yuba

USE TYPES

B - Mining
C - Milling
D - Domestic
E - Fire Protection
G - Dust Control
H - Fish Culture
I - Irrigation
J - Industrial
K - Incidental Power
L - Heat Protection
M - Municipal
N - Frost Protection
P - Power
R - Recreational
S - Stockwatering
T - Snowmaking
W - Fish & Wildlife Protection and/or Enhancement
Z - Other

RECORD TYPES

A - APPLC - Appropriative
C - STOCK - Stockpond
D - SHDOM - Small Domestic Reg
E - ELECT - Cert of Right - Power
F - FEDRL - Federal Filings
G - GRWTR - Groundwater Recordation
J - ADJUD - Adjudicated Right
K - CHPLT - Complaint
P - PRE14 - Pre-1914 Claim of Right
R - RIPAR - Riparian Claim of Right
S - STATE - Statement of Div & Use
T - T-PER - Temporary Permit
Z - SEC12 - Section 12 File

UNNAMED SOURCES

Unnamed Stream - UNST
Unnamed Spring - UNSP
Unnamed Creek - UNCR
Unnamed Drain - UNDR
Unnamed Slough - UNSL
Other - UNXX

MISC

N - North	E - East
S - South	W - West
H - Humboldt Base & Meridian	
M - Mount Diablo Base & Meridian	
S - San Bernardino Base & Meridian	
C - CFS - Cubic Feet per Second	
G - GPD - Gallons per Day	
AF - AC-FT - Acre Feet	
DD - DIR/DIV - Direct Diversion	
STO - Storage	
ACT - Active	CAN - Cancelled
PER - Permitted	INA - Inactive
LIC - Licensed	REV - Revoked

TYPICAL SECTION

D NW/NW	C NE/NW	B NW/NE	A NE/NE
E SW/NW	F SE/NW	G SW/NE	H SE/NE
M NW/SW	L NE/SW	K NW/SE	J NE/SE
N SW/SW	P SE/SW	Q SW/SE	R SE/SE

DIVISION OF WATER RIGHTS

* Hydrographic Report *

ID NUMBER	REC TYPE	OWNER NAME	USE CODE	PRI MO	SEASON DA	STO SEASON MO DA	NET ACRES	DT FILED MO DA YEAR	STATUS	
30344	APPLC	HI DESERT WATER DIST	M			01/01-12/31	0	04/04/1994	ACT	
SOURCE/TRIBUTARY										
YOTE LAKE (A CLOSED BASIN)			UNST	(AKA YUCCA	WSWNE36	01N05E S	36	D/D:35 C	STO:250 AF	600205008
					NWSW36	01N05E S	36	D/D:35 C	STO:250 AF	600205008
					NWSE35	01N05E S	36	D/D:35 C	STO:250 AF	600205008
					SWSE35	01N05E S	36	D/D:35 C	STO:250 AF	600205008
				(MOVEABLE)	SWSE35	01N05E S	36	D/D:35 C	STO:250 AF	600205008
				(MOVEABLE)	NNNW31	01N06E S	36	D/D:35 C	STO:250 AF	600205008
ST (AKA YUCCA WASH)			UNST	(AKA OLD WOMAN SPRINGS WASH)						
X DIR/DIV:35 CFS MAX STO:150 AC-FT MAX ANN/USE: COMPLETE USE YEAR: CUST #:										
RMIT: PERMIT ISSUE DATE (MO/DA/YEAR): LICENSE: LICENSE ISSUE DATE (MO/DA/YEAR):										

ID	REC	OWNER NAME	USE	PRI	SEASON	STO	SEASON	NET	DT FILED	STATUS
NUMBER	TYPE		CODE	MO	DA	MO	DA	ACRES	MO DA YEAR	
30355	APPLC	FLUOR FAMILY TRUST	I	01	01-12	01	01-12	140	04/15/1994	ACT
			D	01	01-12	01	01-12	0		
		SOURCE/TRIBUTARY								
N LUIS REY RIVER		UNXX PAUMA CREEK	SESE05	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000
			NESE05	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000
			NESE05	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000
			NWSW04	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000
			SESE05	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000
N LUIS REY RIVER			SWSW05	10	S01W	S	37 D/D:2	C	STO:1 AF	900700000

X DIR/DIV:2 CFS	MAX STO:1 AC-FT	MAX ANN/USE:	COMPLETE USE YEAR:	CUST #:			
RMIT:	PERMIT ISSUE DATE (MO/DA/YEAR):	LICENSE:	LICENSE ISSUE DATE (MO/DA/YEAR):				
ID	REC	USE	PRI SEASON	STO SEASON	NET	DT FILED	
MBER	TYPE	CODE	MO DA MO DA	MO DA MO DA	ACRES	MO DA YEAR	STATUS
30374	APPLC		I 01/01-12/31		340	06/20/1994	ACT
		D	01/01-12/31		0		
		S	01/01-12/31		0		
	SOURCE/TRIBUTARY			CO			
N LUIS REY RIVER		NWNE06	10S02W S	37 D/D:2.5 C			900700000
		NENW06	10S02W S	37 D/D:2.5 C			900700000
		SWNE06	10S02W S	37 D/D:2.5 C			900700000
		SWNE06	10S02W S	37 D/D:2.5 C			900700000
		SWNE06	10S02W S	37 D/D:2.5 C			900700000
			10S02W S	37 D/D:2.5 C			0
			10S02W S	37 D/D:2.5 C			0

MAX DIR/DIV:2.5 CFS		MAX STO:		MAX ANN/USE:		COMPLETE USE YEAR:		CUST #:	
PERMIT:		PERMIT ISSUE DATE (MO/DA/YEAR):		LICENSE:		LICENSE ISSUE DATE (MO/DA/YEAR):			
ID	REC			USE	PRI SEASON	STO SEASON	NET	DT FILED	
NUMBER	TYPE	OWNER NAME		CODE	MO DA MO DA	MO DA MO DA	ACRES	MO DA YEAR	STATUS
A030459	APPLC	CALMAT CO		D	01/01-12/31			07/03/1995	ACT
				B	01/01-12/31				
				J	01/01-12/31				
				G	01/01-12/31				

SOURCE/TRIBUTARY				CO		
SAN EMIGDIO CREEK UNDERFLOW		(DIVRSN PT) NENE24 11N22W S 15 D/D:3 C				502511000
		(DIVRSN PT) NWSE13 11N22W S 15 D/D:3 C				502511000

MAX DIR/DIV:3 CFS		MAX STO:		MAX ANN/USE:1555 AC-FT		COMPLETE USE YEAR:		CUST #:	
PERMIT:		PERMIT ISSUE DATE (MO/DA/YEAR):		LICENSE:		LICENSE ISSUE DATE (MO/DA/YEAR):			
ID	REC			USE	PRI SEASON	STO SEASON	NET	DT FILED	
NUMBER	TYPE	OWNER NAME		CODE	MO DA MO DA	MO DA MO DA	ACRES	MO DA YEAR	STATUS
A030487	APPLC	BAREA EZZEDDINE		I		12/01-05/31	25	10/02/1995	ACT

SOURCE/TRIBUTARY				CO		
GOMEZ CREEK		UNST (DIVRSN PT) NWSW16 09S02W M 37				900721008
					STO:49 AF	

MAX DIR/DIV:		MAX STO:		MAX ANN/USE:		COMPLETE USE YEAR:		CUST #:	
PERMIT:		PERMIT ISSUE DATE (MO/DA/YEAR):		LICENSE:		LICENSE ISSUE DATE (MO/DA/YEAR):			
ID	REC			USE	PRI SEASON	STO SEASON	NET	DT FILED	
NUMBER	TYPE	OWNER NAME		CODE	MO DA MO DA	MO DA MO DA	ACRES	MO DA YEAR	STATUS
A030501	APPLC	ELSINORE VALLEY MUNICIPAL WATER DISTRICT		Z		01/01-12/31		01/10/1996	ACT
				W		01/01-12/31			
				R		01/01-12/31			
				I		01/01-12/31			
				J		01/01-12/31			
				M		01/01-12/31			

SOURCE/TRIBUTARY				CO		
TEMESCAL WASH		(DIVRSN PT) SENE06 06S04W S 33				820200000
SAN JACINTO RIVER		(DIVRSN PT) SESE18 06S04W S 33				810500000
		(DIVRSN PT) SESW09 06S04W S 33				810500000
					STO:55752 AF	
					STO:26265 AF	
					STO:55752 AF	

MAX DIR/DIV:		MAX STO:55752 AC-FT		MAX ANN/USE:55752 AC-FT		COMPLETE USE YEAR:		CUST #:	
PERMIT:		PERMIT ISSUE DATE (MO/DA/YEAR):		LICENSE:		LICENSE ISSUE DATE (MO/DA/YEAR):			
ID	REC			USE	PRI SEASON	STO SEASON	NET	DT FILED	
NUMBER	TYPE	OWNER NAME		CODE	MO DA MO DA	MO DA MO DA	ACRES	MO DA YEAR	STATUS
A030502	APPLC	ELSINORE VALLEY MUNICIPAL WATER DISTRICT		Z	01/01-12/31	01/01-12/31		01/10/1996	ACT
				W	01/01-12/31	01/01-12/31			
				R	01/01-12/31	01/01-12/31			
				J	01/01-12/31	01/01-12/31			

I 01/01-12/31 01/01-12/31

MESCAL WASH SOURCE/TRIBUTARY
(DIVRSN PT) SENW07 05S05W S 33 D/D:3.87 C STO:1100 AF 820200000
(DIVRSN PT) SENE06 06S04W S 33 D/D:3.87 C STO:8400 AF 820200000

AX DIR/DIV:3.87 CFS MAX STO:8400 AC-FT MAX ANN/USE:11200 AC-FT COMPLETE USE YEAR: CUST #:
PERMIT: PERMIT ISSUE DATE (MO/DA/YEAR): LICENSE: LICENSE ISSUE DATE (MO/DA/YEAR):

ID REC OWNER NAME USE PRI SEASON STO SEASON NET DT FILED
NUMBER TYPE APPLC BARRATT AMERICAN, INC CODE MO DA MO DA MO DA ACRES MO DA YEAR STATUS
130503 APPLC 1 01/01-12/31 01/01-12/31 246 01/11/1996 ACT
D 01/01-12/31

IN JACINTO RIVER SOURCE/TRIBUTARY
UNXX (DIVRSN PT) SWNW10 04S03W S 33 D/D:2.75 C 810500008
(DIVRSN PT) SWNW10 04S03W S 33 D/D:2.75 C 810500008
(DIVRSN PT) SWNW10 04S03W S 33 D/D:2.75 C 810500008

AX DIR/DIV:2.75 CFS MAX STO: MAX ANN/USE:2000 AC-FT COMPLETE USE YEAR: CUST #:
PERMIT: PERMIT ISSUE DATE (MO/DA/YEAR): LICENSE: LICENSE ISSUE DATE (MO/DA/YEAR):

ID REC OWNER NAME USE PRI SEASON STO SEASON NET DT FILED
NUMBER TYPE APPLC MICHAEL CHRISMAN CODE MO DA MO DA MO DA ACRES MO DA YEAR STATUS
130520 APPLC S 11/01-03/31 03/08/1996 ACT
W 11/01-03/31
E 11/01-03/31
R 11/01-03/31

JLL CREEK SOURCE/TRIBUTARY
UNST (DIVRSN PT) NENE09 15S26E M 54 STO:5.9 AF 552151008

AX DIR/DIV: MAX STO:5.9 AC-FT MAX ANN/USE:5.9 AC-FT COMPLETE USE YEAR: CUST #:
PERMIT: PERMIT ISSUE DATE (MO/DA/YEAR): LICENSE: LICENSE ISSUE DATE (MO/DA/YEAR):

ID REC OWNER NAME USE PRI SEASON STO SEASON NET DT FILED
NUMBER TYPE APPLC RAINBOW MUNICIPAL WATER DISTRICT CODE MO DA MO DA MO DA ACRES MO DA YEAR STATUS
130606 APPLC I 01/01-12/31 01/01-12/31 1500 04/09/1997 ACT
D 01/01-12/31

AN LUIS REY RIVER SOURCE/TRIBUTARY
(DIVRSN PT) SWNE11 10S03W S 37 D/D:7.2 C 900700000
(DIVRSN PT) SWNE11 10S03W S 37 D/D:7.2 C 900700000
(DIVRSN PT) NE 11 10S03W S 37 D/D:7.2 C 900700000

AX DIR/DIV:7.2 CFS MAX STO: MAX ANN/USE: COMPLETE USE YEAR: CUST #:
PERMIT: PERMIT ISSUE DATE (MO/DA/YEAR): LICENSE: LICENSE ISSUE DATE (MO/DA/YEAR):

REPORT SUM APPLC STOCK SHDOM ELECT FEDRL GRWTR AD CMPLT PRE14 RIPAR STATE T-PER SEC12 TOT/